

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

NKUMA UCHE,

Plaintiff,

V.

**NORTH STAR CAPITAL
ACQUISITION, LLC, KIRK E.
BRUMBAUGH, MARK QUANDAH,
KARL VON OLDENBERG, SARA
MILLER, and CORY ROONEY,**

Defendants.

CASE NO. 4:09CV3106

MEMORANDUM AND ORDER

NKUMA UCHE,

Plaintiff,

V.

BRUMBAUGH & QUANDAHL, P.C.,

Defendant.

CASE NO. 4:09CV3123

These matters are before the court on numerous Motions filed by Plaintiff. Plaintiff filed Case No. 4:09CV3106 on May 20, 2009. (Case No. 4:09CV3106, Filing No. [1](#).) Plaintiff filed Case No. 4:09CV3123 on June 19, 2009. (Case No. 4:09CV3123, Filing No. [1](#).) After carefully reviewing both Complaints, Chief Judge Bataillon determined that these two matters are related and reassigned Case No. 4:09CV3123 to the undersigned District Judge. (Case No. 4:09CV3123, Filing No. [27](#).)

I. Status of Case No. 4:09CV3123

On September 9, 2009, the court entered a Progression Order in Case No. 4:09CV3123. (Filing No. [14](#).) That Progression Order required that discovery be completed by November 18, 2009, and that motions to compel be filed by that same date.

(*Id.*) In addition, the Progression Order required all dispositive motions to be filed by December 18, 2009. (*Id.*) The Final Pretrial Conference in Case No. 4:09CV3123 is scheduled to be held on April 15, 2010, at 12:30 p.m.

The record shows that Plaintiff served Defendant with interrogatories on August 4, 2009, and re-served those interrogatories on October 19, 2009. (Filing Nos. [12](#) and [18](#).) It appears that Defendant did not provide answers to Plaintiff's interrogatories and Plaintiff therefore filed a Motion to Compel on September 15, 2009 (Filing No. [15](#)) and a second Motion to Compel on October 28, 2009 (Filing No. [19](#)). Plaintiff also filed a Motion for Summary Judgment based on Defendant's failure to respond to discovery. (Filing No. [21](#).) On November 20, 2009, Defendant responded to the outstanding discovery. (Filing No. [20](#).)

On December 22, 2009, Defendant served discovery on Plaintiff. (Filing No. [22](#).) Plaintiff objected to that discovery because it was served after the deadline of November 18, 2009. (Filing No. [23](#).) On February 18, 2010, or two months after the deadline passed, Plaintiff filed a Motion for Summary Judgment. (Filing No. [25](#).) On March 5, 2010, Plaintiff filed a Motion for Contempt, stating that Defendant failed to comply with the requirements for drafting the documents required for the Final Pretrial Conference. (Filing No. [26](#).)

II. Status of Case No. 4:09CV3106

On November 17, 2009, the court entered a Progression Order in Case No. 4:09CV3106. (Filing No. [54](#).) The Progression Order in that case required that discovery be completed, and motions to compel be filed, by January 26, 2010. (*Id.*) Further, the

court set the deadline for the filing of dispositive motions as February 25, 2010. (*Id.*) The Final Pretrial Conference is scheduled to be held on June 22, 2010, at 1:00 p.m. (*Id.*)

Plaintiff served various discovery on Defendants prior to the entry of the Progression Order. (See Docket Sheet.) Defendants answered this discovery on November 20, 2009. (Filing No. [57](#).) Plaintiff served additional discovery on December 15, 2009, and December 30, 2009. Plaintiff thereafter filed Motions to Compel, arguing that the individual Defendants' answers to discovery were "evasive, incomplete, and unsworn." (See, e.g., Filing No. [72](#) at CM/ECF p. 3.) It appears that Plaintiff's primary argument is that Defendants' discovery responses mirror those provided in Case No. 4:09CV3123, and Plaintiff therefore deems them insufficient. Plaintiff thereafter filed several Motions for Summary Judgment, primarily arguing that, because Defendants' discovery responses were inadequate, Plaintiff is entitled to summary judgment. (Filing Nos. [79](#), [81](#), [83](#), [85](#), [87](#), [89](#), and [91](#).)

III. Progression of Both Cases

From the record in each case set forth above, it is clear to the court that none of the parties in either case has fully complied with the Progression Order. It is also clear that these cases are intimately related¹ and should be progressed together, as much of the same discovery is being conducted in both cases. Therefore, in the interests of justice and judicial economy, the court will enter a new progression order in these matters, which, in essence, consolidates these matters for purposes of discovery. Thus, the parties will have

¹Both cases relate to Defendants' attempt to collect the same debt, a credit card debt of \$1,515.88, beginning in June, 2008, and continuing through the filing of an action in Adams County, Nebraska District Court on July 24, 2008. (Case No. 4:09CV3123, Filing No. [1](#); 4:09CV3106, Filing No. [1](#).)

additional time to complete discovery, submit motions for summary judgment, and prepare documents relating to the Final Pretrial Conference in these matters. **The parties are reminded that they must comply with the deadlines set forth in the new progression order.**

IT IS THEREFORE ORDERED that:

1. All pending motion in both of the above-captioned matters are denied; and
2. A separate progression order will be entered.

DATED this 18th day of March, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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